

# **Exhibit “A”**

1  
2  
3 U.S. ENVIRONMENTAL PROTECTION AGENCY  
4  
5  
6

5 \* \* \*

6 IN RE:  
7

8 BOARHEAD FARMS SUPERFUND SITE  
9  
10

11 \* \* \*

12  
13 Administrative deposition of MARIAN CHANCE, taken  
14 pursuant to notice on Wednesday, May 14, 1997, was held  
15 in the LANDMARK LODGE, I-95 and N.J. Turnpike, Penns  
16 Grove, New Jersey ^ zip, commencing at 10:00 a.m.,  
17 before Stacy M. Upograph, Certified Shorthand Reporter  
18 and Notary Public, there being present:  
19

20 \* \* \*

21  
22 ACCURATE COURT REPORTING SERVICES, INC.  
23 555 Blackwood-Clementon Road  
24 Post Office Box 9500  
25 Clementon, New Jersey 08021  
(609) 435-7300 FAX (609) 435-4599  
-and-  
20 South Tennessee Avenue, Suite 200  
21 Atlantic City, New Jersey 08401  
22 (609) 340-0165 FAX (609) 340-0171  
23  
24  
25

1 APPEARANCES:

2  
3 U.S. ENVIRONMENTAL PROTECTION AGENCY  
4 BY: SARAH P. KEATING, ESQ.  
Region III, 3RC33  
841 Chestnut Building  
Philadelphia, PA 19107  
5 Senior Assistant Regional Counsel for U.S.  
Environmental Protection Agency  
6

7 ALSO PRESENT:

8 Bevin Esposito  
U.S. Environmental Protection Agency  
9 Paul J. Neale, Jr.  
U.S. Environmental Protection Agency  
10

11 INDEX

12

WITNESS:

PAGE

13

MARIAN CHANCE

14

BY: Ms. Keating

15

\* \* \*

16

17

18

19

20

21

22

23

24

25

1                   UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
2                   REGION III  
3                   841 CHESTNUT BUILDING  
4                   PHILADELPHIA, PA 19107-4431

CONFIDENTIAL

COPY

5                   IN REGARD TO THE MATTER OF:

6                   BOARHEAD FARMS SUPERFUND SITE,  
7                   BUCKS COUNTY, PENNSYLVANIA.

10                  Wednesday, June 4, 1997

11                  Oral sworn deposition of JOHN BARSUM, held  
12                  at the National Hotel, 31 Race Street, Frenchtown,  
13                  New Jersey 08825 before Heather L. Ashton, Certified  
14                  Shorthand Reporter and Notary Public of the State of  
15                  New Jersey, held on the above date, commencing at  
16                  11:30 A.M., there being present:

17                  A P P E A R A N C E S     B Y:

18                  U.S. ENVIRONMENTAL PROTECTION AGENCY  
19                  BY: SARAH KEATING, ESQUIRE  
20                  841 Chestnut Building  
21                  Philadelphia, PA 19107  
22                  Attorneys for the Government

23                  ACCURATE COURT REPORTING SERVICES, INC.

24                  555 Blackwood-Clementon Road  
25                  Post Office Box 9500  
26                  Clementon, New Jersey 08021  
27                  (609) 435-7300    FAX (609) 435-4599  
28                  -and-

29                  20 South Tennessee Avenue, Suite 200  
30                  Atlantic City, New Jersey 08401  
31                  (609) 340-0165    FAX (609) 340-0171

1 A P P E A R A N C E S C O N T I N U E D:

2 U.S. ENVIRONMENTAL PROTECTION AGENCY  
3 BY: BEVIN ESPOSITO  
4 841 Chestnut Building  
Philadelphia, PA 19107  
5 Attorneys for the Government

6 U.S. ENVIRONMENTAL PROTECTION AGENCY  
7 BY: PAUL NEALE  
8 841 Chestnut Building  
Philadelphia, PA 19107  
9 Attorneys for the Government

10 U.S. ENVIRONMENTAL PROTECTION AGENCY  
11 BY: JOAN MARTIN-BANKS  
12 841 Chestnut Building  
Philadelphia, PA 19107  
13 Attorneys for the Government

14 U.S. ENVIRONMENTAL PROTECTION AGENCY  
15 BY: ELIZABETH APPEL  
16 841 Chestnut Building  
17 Philadelphia, PA 19107  
18 Attorneys for the Government

19  
20  
21  
22  
23  
24  
25

1                   UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
2                   REGION III  
3                   841 CHESTNUT BUILDING  
4                   PHILADELPHIA, PA 19107-4431

5                   CONFIDENTIAL

6                   IN REGARD TO THE MATTER OF:  
7                   BOARHEAD FARMS SUPERFUND SITE,  
8                   BUCKS COUNTY, PENNSYLVANIA

6                   COPY

9                   Thursday, June 5, 1997

10                  Oral sworn deposition of JOHN BARSUM, held  
11                  at the National Hotel, 31 Race Street, Frenchtown,  
12                  New Jersey 08825 before Heather L. Ashton, Certified  
13                  Shorthand Reporter and Notary Public of the State of  
14                  New Jersey, held on the above date, commencing at  
15                  10:30 A.M., there being present:

16                  A P P E A R A N C E S     B Y :

17                  U.S. ENVIRONMENTAL PROTECTION AGENCY  
18                  BY: SARAH KEATING, ESQUIRE  
19                  841 Chestnut Building  
20                  Philadelphia, PA 19107  
21                  Attorneys for the Government

22                  ACCURATE COURT REPORTING SERVICES, INC.  
23                  555 Blackwood-Clementon Road  
24                  Post Office Box 9500  
25                  Clementon, New Jersey 08021  
26                  (609) 435-7300    FAX (609) 435-4599  
27                  -and-  
28                  20 South Tennessee Avenue, Suite 200  
29                  Atlantic City, New Jersey 08401  
30                  (609) 340-0165    FAX (609) 340-0171

1 A P P E A R A N C E S C O N T I N U E D:

2 U.S. ENVIRONMENTAL PROTECTION AGENCY

3 BY: BEVIN ESPOSITO

4 841 Chestnut Building

5 Philadelphia, PA 19107

6 Attorneys for the Government

7 U.S. ENVIRONMENTAL PROTECTION AGENCY

8 BY: PAUL NEALE

9 841 Chestnut Building

10 Philadelphia, PA 19107

11 Attorneys for the Government

12 U.S. ENVIRONMENTAL PROTECTION AGENCY

13 BY: JOAN MARTIN-BANKS

14 841 Chestnut Building

15 Philadelphia, PA 19107

16 Attorneys for the Government

17 U.S. ENVIRONMENTAL PROTECTION AGENCY

18 BY: ELIZABETH APPEL

19 841 Chestnut Building

20 Philadelphia, PA 19107

21 Attorneys for the Government

22

23

24

25

- - -  
IN RE: BOARHEAD FARMS NPL :  
SUPERFUND SITE :  
- - -

ORIGINAL  
(Red)

Thursday, March 13, 1997  
Commencing at 10:55 a.m.

- - -  
Best Western Motor Inn  
1446 West Broad Street  
Quakertown, Pennsylvania 18951

- - -  
NOTE: THIS TRANSCRIPT IS THE WORK PRODUCT OF ROBERT W.  
HARLEY, REGISTERED PROFESSIONAL REPORTER. COPIES ARE  
AVAILABLE ONLY THROUGH ROBERT W. HARLEY.

Robert W. Harley Reporting Services  
Suite 700  
One Montgomery Plaza  
Norristown, Pa. 19401  
(610) 270-0811

*COUNSEL APPEARED AS FOLLOWS:*ORIGINAL  
(REG)

SARAH P. KEATING, ESQUIRE  
 Senior Assistant Regional Counsel  
 841 Chestnut Building  
 Phila., Pa. 19107-4431

for U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III

## ALSO PRESENT:

BEVIN HARDY, PARALEGAL SPECIALIST  
 PAUL J. NEALE, JR., PARALEGAL SPECIALIST  
 JOAN E. MARTIN-BANKS, CIVIL INVESTIGATOR  
 Region III  
 841 Chestnut Building  
 Phila., Pa. 19107

*Witness: BRUCE J. DeREWAL*

## EXHIBITS

## U.S. EPA Exhibits

No.	Description	Mrkd
1	Administrative subpoena	6
2	Boarhead Farms site map	8
3	Photograph	11
4	Photograph	12
5	Boarhead Farms site map (Pit W)	43
6	Photograph	43
7	Photograph	43
8	Jonas Trucking Company operating record	45
9	Jonas Trucking Company operating record	46

- - -  
IN RE: BOARHEAD FARMS NPL :  
SUPERFUND SITE :  
- - -

Wednesday, February 26, 1997  
Commencing at 9:55 a.m.

- - -  
Holiday Inn  
Suite 302  
Ft. Washington, Pennsylvania 19034

- - -  
NOTE: THIS TRANSCRIPT IS THE WORK PRODUCT OF ROBERT W.  
HARLEY, REGISTERED PROFESSIONAL REPORTER. COPIES ARE  
AVAILABLE ONLY THROUGH ROBERT W. HARLEY.

Robert W. Harley Reporting Services  
Suite 700  
One Montgomery Plaza  
Norristown, Pa. 19401  
(610) 270-0811

**COUNSEL APPEARED AS FOLLOWS:**

SARAH P. KEATING, ESQUIRE  
Senior Assistant Regional Counsel  
841 Chestnut Building  
Phila., Pa. 19107-4431

for U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III

**ALSO PRESENT:**

BEVIN HARDY, PARALEGAL SPECIALIST  
PAUL J. NEALE, JR., PARALEGAL SPECIALIST  
JOAN E. MARTIN-BANKS, CIVIL INVESTIGATOR  
Region III  
841 Chestnut Building  
Phila., Pa. 19107

**Witness:** MANFRED F. DeREWAL, JR.

**EXHIBITS**

**U.S. EPA Exhibits**

No.	Description	Mrkd
1	Administrative subpoena	5
2	Boarhead Farms site map	10
3	Photograph	11
4	Photograph	11
5	Boarhead Farms site map (Pit W)	41
6	Photograph	41
7	Photograph	41
8	Jonas Trucking Company operating record	46
9	Jonas Trucking Company operating record	47

1 BEFORE THE

2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

3 In the Matter of: )  
4 BOARHEAD FARMS SUPERFUND SITE: )  
5 REVERE CHEMICAL SUPERFUND SITE: ) Caes No. 000008  
AND FRENCHTOWN SUPERFUND SITE. )  
6 )

7 Deposition of:

8 MANFRED DEREWAL

9 a witness of lawful age, taken on behalf of the U. S.

10 Environmental Protection Agency, pursuant to notice,

11 in the offices of the United States Marshall, Room 2113,

12 601 Market Street, Philadelphia, Pennsylvania, 19106, on

13 Wednesday, March 15, 1989, at 10:25 a.m., before Barbara

14 A. Burke, Notary Public, when where present:

15

16 APPEARANCES:

17

On behalf of the Environmental Protection Agency:

19 WAYNE WALTER, ESQ.  
BRIAN M. NISHITANI, ESQ.  
20 Environmental Protection Agency  
Office of Regional Counsel  
21 Region III  
841 Chestnut Street  
22 Philadelphia, Pa. 19107

23

24

25

1 ROBERT G. CARR, ESQ.  
2 Environmental Protection, Agency  
2 Region II, Office of Regional Counsel  
2 26 Federal Plaza  
3 New York, New York 10278  
4  
5  
6  
7  
8  
9  
10  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 BEFORE THE  
2 UNITED STATES ENVIRONMENTAL PROTECTION  
3 In the Matter of: )  
4 BOARHEAD FARMS SUPERFUND SITE: )  
REVERE CHEMICAL SUPERFUND SITE: ) C  
5 AND FRENCHTOWN SUPERFUND SITE. )  
6 )

7 Deposition of:

8 MANFRED DEREWAL

9 a witness of lawful age, taken on behalf of the U. S.  
10 Environmental Protection Agency, pursuant to notice,  
11 in the offices of the United States Marshall, Room 2113,  
12 601 Market Street, Philadelphia, Pennsylvania, 19106, on  
13 Friday, March 17, 1989, at 10:00 a.m., before Carl  
14 Dillich, Notary Public, when where present:

15

16 APPEARANCES:

17  
18 On behalf of the Environmental Protection Agency:  
19 WAYNE WALTERS, ESQ.  
BRIAN M. NISHITANI, ESQ.  
20 Environmental Protection Agency  
Office of Regional Counsel  
21 Region III  
841 Chestnut Street  
22 Philadelphia, Pa. 19107  
23  
24  
25

1

## I N D E X

2 WITNESS:

EXAMINATION

3 MANFRED DEREWAL

179

4 EXHIBITS:

IDENTIFIED

5 ENVIRONMENTAL PROTECTION AGENCY'S:

6 2-1	181
7 2-2	192
8 2-3, 2-4	205
9 2-5	209
10 2-6	231
11 2-7	249
12 2-8	264
13 2-9	282
14 2-10	294
15 2-11	302
16 2-12	306
17 2-13	308
17 2-14	309
18 2-15	323
19 2-16	331
20 2-17	341
21	
22	
23	
24	
25	

MANFRED TATARA DeREWAL, VOL. I 12-10-96

1

1

2

3

4

5 IN RE: BOARHEAD FARMS SUPERFUND SITE

6

7

8

9

10

11

SWORN STATEMENT OF

12

MANFRED TATARA DeREWAL

13

VOLUME I

14

15

16

17

18

19

20

21

22

23

24

25

On the 10th and 11th days of December,

1996, at 10:17 a.m. and 10:35 a.m., respectively, the  
sworn statement of the above-named witness was taken  
at the instance of the United States Environmental  
Protection Agency before Greg B. Hunt, Certified  
Shorthand Reporter in and for the State of Texas, at  
the Bureau of Prisons Federal Medical Center, 3150  
Horton Road, in the City of Fort Worth, County of  
Tarrant, State of Texas.

COPY

MANFRED TATARA DeREWAL, VOL. I 12-10-96

2

1

A P P E A R A N C E S

2

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III  
841 Chestnut Building  
Philadelphia, PA 19107-4431  
BY: MS. SARAH P. KEATING

4

5

Senior Assistant Regional Counsel

6

7

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III  
841 Chestnut Building  
Philadelphia, PA 19107-4431  
BY: MS. BEVIN HARDY

8

Paralegal Specialist

9

10

U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III  
841 Chestnut Building  
Philadelphia, PA 19107-4431  
BY: MR. PAUL J. NEALE, JR.

11

12

Paralegal Specialist

13

14

15

16

17

18

19

20

21

22

23

24

25

## 1 INDEX

2 WITNESS  
3 MANFRED TATARA DeREWAL4 EXAMINATION PAGE  
BY: MS. KEATING 4

	EXHIBITS	PAGE
7	Exhibit No. 1 . . . . .	8
8	Exhibit No. 2 . . . . .	10
9	Exhibit No. 3 . . . . .	12
10	Exhibit No. 4 . . . . .	19
11	Exhibit No. 5 . . . . .	68
12	Exhibit No. 6 . . . . .	68
13	Exhibit No. 7 . . . . .	69
14	Exhibit No. 8 . . . . .	76
15	Exhibit No. 9 . . . . .	80
16	Exhibit No. 10 . . . . .	83
17	Exhibit No. 11 . . . . .	86
18	Exhibit No. 12 . . . . .	93
19	Exhibit No. 13 . . . . .	95
20	Exhibit No. 14 . . . . .	98
21	Exhibit No. 15 . . . . .	100
22	Exhibit No. 16 . . . . .	101
23	Exhibit No. 17 . . . . .	102
24	Exhibit No. 18 . . . . .	103
25	Exhibit No. 19 . . . . .	105

MANFRED TATARA DeREWAL, VOL. II 12-11-96 149

1

2

3

4

5 IN RE: BOARHEAD FARMS SUPERFUND SITE

6

7

8

9

10

11

SWORN STATEMENT OF

12

MANFRED TATARA DeREWAL

13

VOLUME II

14

15

16

17

18

19

20

21

22

23

24

25

On the 10th and 11th days of December,  
1996, at 10:17 a.m. and 10:35 a.m., respectively, the  
sworn statement of the above-named witness was taken  
at the instance of the United States Environmental  
Protection Agency before Greg B. Hunt, Certified  
Shorthand Reporter in and for the State of Texas, at  
the Bureau of Prisons Federal Medical Center, 3150  
Horton Road, in the City of Fort Worth, County of  
Tarrant, State of Texas.

COPY

MANFRED TATARA DeREWAL, VOL. II 12-11-96 150

1 A P P E A R A N C E S

2 U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III  
3 841 Chestnut Building  
Philadelphia, PA 19107-4431  
4 BY: MS. SARAH P. KEATING

5 Senior Assistant Regional Counsel

6 U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III  
7 841 Chestnut Building  
Philadelphia, PA 19107-4431  
BY: MS. BEVIN HARDY

8 Paralegal Specialist

9 U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION III  
10 841 Chestnut Building  
Philadelphia, PA 19107-4431  
11 BY: MR. PAUL J. NEALE, JR.

12 Paralegal Specialist

13

14

15

16

17

18

19

20

21

22

23

24

25

MANFRED TATARA DeREWAL, VOL. II 12-11-96

151

1 I N D E X  
2

## 2 WITNESS

3 MANFRED TATARA DeREWAL

## 4 EXAMINATION

5 BY: MS. KEATING

PAGE

152, 235, 253

## 6 EXAMINATION

7 BY: MR. HARDY

225, 251

## 8 EXHIBITS

PAGE

9 Exhibit No. 28 . . . . . 153

10 Exhibit No. 29 . . . . . 156

11 Exhibit No. 30 . . . . . 161

12 Exhibit No. 31 . . . . . 167

13 Exhibit No. 32 . . . . . 176

14 Exhibit No. 33 . . . . . 236

15 Exhibit No. 34 . . . . . 239

16 Exhibit No. 35 . . . . . 240

17 Exhibit No. 36 . . . . . 245

18 Exhibit No. 37 . . . . . 246

19 Exhibit No. 38 . . . . . 248

20 Exhibit No. 39 . . . . . 248

21 Exhibit No. 40 . . . . . 253

22 Exhibit No. 41 . . . . . 262

23 Exhibit No. 42 . . . . . 262

24

25

STATE OF NEW JERSEY  
OFFICE OF REGULATORY SERVICES  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

X-----X  
:  
IN THE MATTER OF :  
:  
MARVIN JONAS :  
:  
X-----X

APRIL 14, 1986  
10:00 a.m.  
OFFICE OF KEVIN F. WALL, ESQ.  
407 White Horse Pike  
Oaklyn, New Jersey 08107

A P P E A R A N C E S:

JOHN A. MacDONALD, ESQ.  
Attorney for New Jersey  
Department of  
Environmental Protection

OFFICE OF REGULATORY  
SERVICES DEPARTMENT OF  
ENVIRONMENTAL PROTECTION  
Trenton, New Jersey

DAVID B. GRAHAM, ESQ.  
Attorneys for Township  
of Gloucester.

FREEDMAN, LEVY, KROLL &  
SIMONDS, ESQ.  
1050 Connecticut Ave., N.W.  
Washington, D.C.

KEVIN F. WALL, ESQ.  
Attorney for Marvin Jonas.

407 White Horse Pike  
Oaklyn, New Jersey

ALSO PRESENT:

GEORGE SMAJDA  
Representative for Department  
of Environmental Protection.

REED JENSEN  
Investigator for David Graham,  
Esq.

ALBANESE, WASIK & ASSOCIATES  
CERTIFIED SHORTHAND REPORTERS  
2224 ROUTE 37, EAST  
TOMS RIVER, N.J. 08753

TELEPHONE (201) 270-6300

968

I N D E XWitnessDirect Cross Redirect Recross

MARVIN JONAS

By Mr. MacDonald 3 120

By Mr. Graham 108 132

6

7

E X H I B I T S

No.	Description	ID
S-1	List of Disposal Sites	7
S-2	List	48
S-3	Application for Certification	55
S-4	Document Entitled Tariff for Solid Waste Collection	56
S-5	List	79

1  
2 STATE OF NEW JERSEY  
3 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
4

5 IN THE MATTER OF :  
6 :  
7 :  
8 :  
9 :  
10 :  
11 :  
12 :  
13 :  
14 :  
15 :  
16 :  
17 :  
18 :  
19 :  
20 :  
21 :  
22 :  
23 :  
24 :  
25 :

MARVIN JONAS : INVESTIGATION

Testimony of Marvin Jonas taken  
stenographically in the above-entitled matter before  
Linda L. Psyllos, a Certified Shorthand Reporter and  
Notary Public of the State of New Jersey, at the law  
offices of Kevin Wall, Esq., 407 Whitehorse Pike,  
Oaklyn, N.J., April 15, 1986 commencing at 11:00 a.m.

A P P E A R A N C E S:

JOHN A. MAC DONALD, ESQ.  
Office of Regulatory Service  
New Jersey DEP

KEVIN WALL, ESQ.  
Attorney for Marvin Jonas

DAVID B. GRAHM, ESQ.  
Attorney for the Township of Gloucester

ALBANESE & ASSOCIATES REPORTING SERVICE  
2224 Rt. 37 E., Toms River, N.J.

2

1

2

3

I N D E X

4

WITNESS

PAGE

5

MARVIN JONAS

Direct Examination by Mr. MacDonald

3

6

7

8

E X H I B I T S

9

10

ID

DESCRIPTION

PAGE

11

S-6

Documents

7

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION - GLOUCESTER COUNTY  
3 DOCKET NO. C-3903-86

4 DOUGLAS ZEE, INDIVIDUALLY,  
5 PATRICIA ZEE, INDIVIDUALLY,  
6 WILMER ZEE, AND ZEE ORCHARDS,  
7 INC..

8 PLAINTIFFS. ORAL DEPOSITION OF:

9 VS. MARVIN JONAS

10 NICK LIPARI, D/B/A LIPARI  
11 LANDFILL, ROHM & HAAS COMPANY,  
12 ALMO, INC., OWENS-ILLINIS,  
13 INC., AND MARVIN JONAS,  
14 D/B/A JONAS WASTE REMOVAL.

15 DEFENDANTS.

16 UNITED STATES DISTRICT COURT  
17 DISTRICT OF NEW JERSEY

18 UNITED STATES OF AMERICA CIVIL ACTION NO.  
19 85-4386

20 VS.

21 ROHM & HAAS COMPANY

22 \* \* \* \* \*

23 THURSDAY, APRIL 17, 1986

24 \* \* \* \* \*

25 TRANSCRIPT IN THE ABOVE MATTER TAKEN  
AT THE OFFICES OF THE U.S. ATTORNEY, CAMDEN, NEW  
JERSEY, COMMENCING AT 10:30 A.M.

1

2

3 A P P E A R A N C E S :

4

5 BLANK, ROME, COMISKY & MC CAULEY, ESQUIRES  
6 BY: E. HUNTER TAYLOR, ESQUIRE  
ATTORNEYS FOR THE PLAINTIFF, ZEE

7

8 BY: JAMES C. WOODS, ESQUIRE  
ATTORNEY FOR THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

9

10 W. CARY EDWARDS, ATTORNEY GENERAL  
11 BY: ANNE R. SIMONOFF,  
DEPUTY ATTORNEY GENERAL  
12 ATTORNEYS FOR THE DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

13

14 MC CARTER & ENGLISH, ESQUIRES  
15 BY: FRANK E. FERRUGGIA, ESQUIRE  
ATTORNEYS FOR OWENS-ILLINOIS

16

17 DECHERT, PRICE & RHoads, ESQUIRES  
18 BY: BRADFORD F. WHITMAN, ESQUIRE  
AND  
19 WENDY R. RELATION, ESQUIRE  
ATTORNEYS FOR ROHM & HAAS

20

21 ELLEN S. FRIEDELL, ESQUIRE  
22 IN-HOUSE COUNSEL FOR ROHM & HAAS

23

24 GOODWIN, PROCTER & HOAR, ESQUIRES  
BY: FRANKLIN C. HUNTINGTON, IV  
ATTORNEYS FOR CES, INC.

25

**In The Matter Of:**

*In the Matter of: Boarhead Farms Superfund*

---

*Franklin Pertnoy*

*February 12, 1997*

---

*Krauss, Katz & Ackerman, Inc.*

*Legal Support Services*

*1880 John F. Kennedy Blvd.*

*15th Floor*

*Philadelphia, PA 19103*

*(215) 988-9191 FAX: (215) 988-1821*

*Original File fp021296.asc, 104 Pages  
Min-U-Script® File ID: 3500807103*

**Word Index included with this Min-U-Script®**

## In the Matter of: Boarhead Farms Superfund

[1]  
[2] IN RE:  
[3]  
[4] BOARHEAD FARMS SUPERFUND SITE  
[5]  
[6]  
[7]  
[8] February 12, 1997  
[9]  
[10]  
[11] Oral deposition of FRANKLIN  
[12] PERTNOY, held in the offices of the  
[13] United States Environmental Protection  
[14] Agency, 841 Chestnut Street,  
[15] Philadelphia, Pennsylvania 19107,  
[16] commencing at 10:10 a.m., on the above  
[17] date, before Patricia Nolan, a Court  
[18] Reporter and a Commissioner of the  
[19] Commonwealth of Pennsylvania.  
[20]  
[21] KRAUSS, KATZ & ACKERMAN, INC.  
[22] Legal Support Services  
1880 John F. Kennedy Boulevard  
[23] 15th Floor  
Philadelphia, Pennsylvania 19103  
[24] (215) 988-9191

Page 1

[1]  
[2] INDEX  
[3] WITNESS PAGE NO.  
[4] FRANKLIN KEATING  
[5] By Ms. Keating 4  
[6]  
[7]  
[8] EXHIBITS  
[9] NO. DESCRIPTION PAGE NO.  
[10] 1 Subpoena 7  
[11] 2 Photograph of site 38  
[12] 3 Photographs of site 38  
[13] 4 Operating record 41  
[14] 5 Operating record 53  
[15] 6 Shipping order 57  
[16] 7 Shipping order 59  
[17] 8 Operating record 69  
[18] 9 Operating record 76  
[19] 10 Photographs of site 80  
[20] 11 Operating record 81  
[21] 12 Shipping order 81  
[22] 13 Photograph of site 92  
[23]  
[24]

Page 2

[1] APPEARANCES :  
[2] UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
[3] BY: SARA P. KEATING, ESQUIRE  
841 Chestnut Street  
[4] Philadelphia, Pennsylvania 19107  
Counsel for Boarhead Farms  
[5]  
[6]

ALSO PRESENT:

[7] BEVIN HARDY  
[8] PAUL NEAL  
JOAN E. MARTIN-BANKS  
[9]  
[10]  
[11]  
[12]  
[13]  
[14]  
[15]  
[16]  
[17]  
[18]  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]

Page 2

[1]  
[2] FRANKLIN PERTNOY, after  
[3] having been duly sworn, was  
[4] examined and testified as follows:  
[5]  
[6]  
[7]  
[8] EXAMINATION  
[9] BY MS. KEATING:  
[10] Q: Mr. Pertnoy, my name is Sara  
Keating. I have with me Joan  
[11] Martin-Banks, who's a Civil Investigator  
[12] with the EPA, Bevin Hardy, who's a  
[13] paralegal and Paul Neal, who is also a  
[14] paralegal, assisting me with the Boarhead  
[15] Farms Superfund matter.  
[16] I'm going to be asking you a  
[17] number of questions relating to the  
[18] Boarhead Farms Superfund sites, as well  
[19] as your experience in the past with  
[20] Marvin Jonas or Jonas Trucking. Joan  
[21] Martin-Banks may be asking you some  
[22] questions as well. And Bevin Hardy and  
[23] Paul Neal will be assisting as well.  
[24] The subpoena that you

**In The Matter Of:**

*Boarhead Farms Superfund Site  
Bucks County, Pa*

---

*Jeffrey L. Shaak  
June 25, 1997*

---

*Krauss, Katz & Ackerman, Inc.  
Legal Support Services  
1880 John F. Kennedy Blvd.  
15th Floor  
Philadelphia, PA  
(215) 988-9191 FAX: (215) 988-1821*

*Original File js062597.v1, 115 Pages  
Min-U-Script® File ID: 2813426886*

**Word Index included with this Min-U-Script®**

[1] UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
[2] REGION III  
[3] 841 Chestnut Street  
[4] Philadelphia, Pennsylvania 19107  
[5]  
IN THE MATTER OF:  
[6]  
Boarhead Farms :  
[7] Superfund Site : SUBPOENA AD  
Bucks County, : TESTIFICANDUM  
[8] Pennsylvania : Subpoena No. 000037  
[9] COPYRIGHTED MATERIAL  
[10]  
[11] June 25, 1997  
[12]  
Oral deposition of JEFFREY L.  
[14] SHAAK, held at the Best Western, Route  
[15] 309 and Stump Road, Montgomeryville,  
[16] Pennsylvania commencing at 10:00 a.m., on  
[17] the above date, before Linda Rossi Rios,  
[18] a Federally Approved Registered  
[19] Professional Reporter and Notary Public  
[20] of the Commonwealth of Pennsylvania.  
[21]  
KRAUSS, KATZ & ACKERMAN, INC.  
[22] Legal Support Services  
15th Floor  
[23] 1880 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103  
[24] (215) 988-9191

Page 1

Page 3

[1]  
[2] INDEX  
[3] WITNESS PAGE NO.  
[4] JEFFREY L. SHAAK  
[5] By Ms. Keating 4  
[6]  
[7] EXHIBITS  
[8] NO. DESCRIPTION PAGE NO.  
[9] Exhibit 1 Subpoena 9  
[10] Exhibit 2 Map 13  
[11] Exhibit 3 Picture 14  
[12] Exhibit 4 Invoices-Ciba  
[13] Geigy 50  
[14] Exhibit 5 Pictures 62  
[15] Exhibit 6 National Rolling  
[16] Mills Document 66  
[17] Exhibit 7 Bills of Lading 69  
[18] Exhibit 8 Philco-Ford  
[19] Invoices 77  
[20] Exhibit 9 Pictures 78  
[21] Exhibit 10 Invoices-Advanced  
[22] Environmental 81  
[23] Exhibit 11 Invoice-Advanced  
[24] Environmental 82

Page 4

[1] APPEARANCES:  
[2] ENVIRONMENTAL PROTECTION AGENCY  
BY: SARAH KEATING, ESQUIRE (3RC33)  
[3] 841 Chestnut Street  
Philadelphia, Pennsylvania 19107  
[4] Counsel for the EPA  
[5] ALSO PRESENT:  
[6] PAUL NEALE  
BEVIN ESPOSITO  
[7] JOAN MARTIN-BANKS  
[8]  
[9]  
[10]  
[11]  
[12]  
[13]  
[14]  
[15]  
[16]  
[17]  
[18]  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]

Page 2

[1] EXHIBITS  
[2] NO. DESCRIPTION PAGE NO.  
[3] Exhibit 12 Purchase Order-Diaz 83  
[4] Exhibit 13 Bill of Lading 86  
[5] Exhibit 14 American Cyanamid  
[6] Listing 88  
[7] Exhibit 15 American Cyanamid  
[8] documents 90  
[9] Exhibit 16 May 17, 1976 letter 92  
[10] Exhibit 17 SPS Purchase order 93  
[11] Exhibit 18 SPS Purchase Order 94  
[12] Exhibit 19 SPS Purchase Order 94  
[13]  
[14]  
[15]  
[16]  
[17]  
[18]  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]